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**NOTICE OF EX PARTE**

July 5, 2012

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: *In the Matter of Petitions for Waiver of Commission's Rules Regarding Access to Numbering Resources*, CC Docket 99-200; *Connect American Fund, et al.*, Further Notice of Proposed Rulemaking on IP-to-IP Interconnection Issues, WC Docket No. 10-90; GN Docket No. 09-51; WC Docket No. 07-135; WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45; WC Docket No. 03-109; WT Docket No. 10-208

Dear Ms. Dortch:

On July 3, 2012, Michael Shortley, Vice President, Legal, and the undersigned, of Level 3 Communications, LLC ("Level 3") had a telephone discussion with Victoria Goldberg, Randy Clarke, and Rhonda Lien, of the Wireline Competition Bureau, to answer questions the Bureau had regarding Level 3's concerns about the impact that a Commission decision to grant voice over Internet protocol ("VoIP") provider petitions ("Petitions") for limited waiver of Section 52.15(g)(2)(i),<sup>1</sup> of the Commission's rules to obtain numbering resources directly from the North American Numbering Plan Administrator ("NANPA"), could have on intercarrier compensation. Specifically, the Bureau inquired about the circumstances under which a local exchange carrier ("LEC") or an interexchange carrier ("IXC") would be inclined to withhold payment of intercarrier

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<sup>1</sup> 47 C.F.R. § 52.15(g)(2)(i).

compensation when a VoIP provider is the holder of the telephone number (“TN”) in a given call flow, rather than a LEC.

Level 3 expressed these concerns generally during its June 28, 2012<sup>2</sup> ex parte meeting with the Commission, stating that there are no specific Commission rules pertaining to the payment for calls if VoIP providers were granted direct access to numbers, that Level 3 is already experiencing difficulty collecting intercarrier compensation from two large incumbent IXC’s for certain VoIP calls under the Commission’s current rules, and that undoubtedly, the separation of the entities owning telephone numbers from the carriers actually handling calls would give such carriers additional arguments to avoid making intercarrier compensation payments. Aside from the specific call flow Level 3 is having trouble collecting on today, it was not prepared to discuss other specific call flows of concern, but indicated that it would be more than willing to supplement the record in that regard. Level 3 also noted that intercarrier compensation concerns have been raised by both the National Telecommunications Carrier Association<sup>3</sup> and the CLEC Coalition that Level 3 participates in regarding this issue.<sup>4</sup>

In order to address the Commission’s inquiry, Level 3 submits the attached presentation that highlights some of the ways it sees in which the rights and obligations of a LEC to collect and/or pay intercarrier compensation would be obfuscated if a VoIP provider were the holder of the TN in various call flows. These call flows are in addition to the call flow Level 3 has addressed in detail with the Commission in previous meetings—in which certain IXCs are refusing to pay Level 3 terminating access charges

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<sup>2</sup> See Letter from Erin Boone, Senior Corporate Counsel, Level 3 Communications, LLC to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket 99-200; *Connect American Fund, et al.*, Further Notice of Proposed Rulemaking on IP-to-IP Interconnection Issues, WC Docket No. 10-90; GN Docket No. 09-51; WC Docket No. 07-135; WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45; WC Docket No. 03-109; WT Docket No. 10-208 (filed June 30, 2012).

<sup>3</sup> See Letter from Michael R. Romano, Senior Vice President - Policy, National Telecommunications Cooperative Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 10-90; *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135; *High-Cost Universal Service Support*, WC Docket No. 05-337; *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45; *Lifeline and Link-Up*, WC Docket No. 03-109; *Universal Service Reform – Mobility Fund*, WT Docket No. 10-208; *Vonage Holdings Corp. Petition for Limited Waiver of Section 52.15(g)(2)(i) of the Commission’s Rules Regarding Access to Numbering Resources*, CC Docket No. 99-200 (filed May 31, 2012) at 1-2.

<sup>4</sup> See e.g., Letter from James C. Falvey, Counsel for CLEC Coalition, to Marlene H. Dortch, CC Docket No. 99-200, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45, WC Docket No. 03-109; WT Docket No. 10-208 (filed June 25, 2012).

where it terminates calls to interconnected VoIP providers.<sup>5</sup> Level 3 does not intend the attached list to be exhaustive. The Commission should not, however, underestimate the billing and payment disputes and complexities—on top of already widespread industry disputes—that are almost certain to ensue if it were to grant numbering waivers to non-carrier VoIP providers without a comprehensive rulemaking proceeding.

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceeding. Please direct any questions regarding this matter to the undersigned.

Sincerely,

/s/ Erin Boone

Erin Boone

cc: Michael Steffen  
Julie Veach  
Lisa Gelb  
Victoria Goldberg  
Randy Clarke  
Rhonda Lien

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<sup>5</sup> See Letter from Tamar E. Finn, Counsel to Bandwidth.com to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 96- 45; CC Docket No. 01-92; WC Docket No. 03-109; WC Docket No. 05-337; WC Docket No. 07-135; WC Docket No. 10-90; GN Docket No. 09-51 (filed June 11, 2012).